

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-07516-LAK**

Behar v. Department of Homeland Security
Assigned to: Judge Lewis A. Kaplan
Related Case: 1:17-cv-08153-LAK
Cause: 05:552 Freedom of Information Act

Date Filed: 08/17/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Richard Behar**

represented by **Charles Edward Crain**
Yale Law School
P.O. Box 208215
New Haven, CT 06520
203-436-5824
Email: charles.crain@ylsclinics.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

John Langford
Protect Democracy
555 W. 5th St.
Los Angeles, CA 90013
919-619-9819
Fax: 929-777-8428
Email: john.langford@protectdemocracy.org
ATTORNEY TO BE NOTICED

V.

Defendant

Department of Homeland Security
TERMINATED: 08/21/2018

represented by **Sarah Sheive Normand**
U.S. Attorney's Office, SDNY (86 Chambers St.)
86 Chambers Street
New York, NY 10007
(212) 637-2200
Fax: (212) 637-2686
Email: sarah.normand@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant**U.S. Department of Homeland Security**

represented by **Sarah Sheive Normand**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/17/2018	<u>1</u>	FILING ERROR – DEFICIENT PLEADING – FILED AGAINST PARTY ERROR – COMPLAINT against U.S. Department of Homeland Security. (Filing Fee \$ 400.00, Receipt Number 0208-15465774) Document filed by Richard Behar. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Langford, John) Modified on 8/20/2018 (jgo). (Entered: 08/17/2018)
08/17/2018	<u>2</u>	CIVIL COVER SHEET filed. (Langford, John) (Entered: 08/17/2018)
08/17/2018	<u>3</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Homeland Security, re: <u>1</u> Complaint,. Document filed by Richard Behar. (Langford,

		John) Modified on 8/20/2018 (jgo). (Entered: 08/17/2018)
08/20/2018		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney John Langford. The party information for the following party/parties has been modified: Department of Homeland Security. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error;. (jgo) (Entered: 08/20/2018)
08/20/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney John Langford to RE-FILE Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): due to party modification, the wrong party/parties whom the pleading is against were selected;. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (jgo) (Entered: 08/20/2018)
08/20/2018		***NOTICE TO ATTORNEY TO ELECTRONICALLY FILE RELATED CASE STATEMENT. Notice to Attorney John Langford, for non compliance with Local Rule 13 of the Division of Business Among Judges. Attorney must electronically file the Related Case Statement. Use the event type Statement of Relatedness found under the event list Other Documents. (jgo) (Entered: 08/20/2018)
08/20/2018		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney John Langford. The following case opening statistical information was erroneously selected/entered: County code New York;. The following correction(s) have been made to your case entry: the County code has been modified to XX Out of State;. (jgo) (Entered: 08/20/2018)
08/20/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (jgo) (Entered: 08/20/2018)
08/20/2018		Case Designated ECF. (jgo) (Entered: 08/20/2018)
08/20/2018		CASE REFERRED TO Judge Lewis A. Kaplan as possibly related to 17-cv-8153. (jgo) (Entered: 08/20/2018)
08/20/2018	<u>4</u>	FILING ERROR – FILED AGAINST PARTY ERROR – AMENDED COMPLAINT amending <u>1</u> Complaint, against Department of Homeland Security.Document filed by Richard Behar. Related document: <u>1</u> Complaint. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Langford, John) Modified on 8/21/2018 (sj). Modified on 8/21/2018 (laq). (Entered: 08/20/2018)
08/20/2018	<u>5</u>	CIVIL COVER SHEET filed. (Langford, John) (Entered: 08/20/2018)
08/20/2018	<u>6</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to Civil Case No. 17-cv-8153 (LAK). Document filed by Richard Behar.(Langford, John) (Entered: 08/20/2018)
08/20/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney John Langford to RE-FILE Document No. <u>3</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): party name on 'as to' docket entry text, pdf case caption and pdf 'To' section does not match initial pleading caption;; Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (jgo) (Entered: 08/20/2018)
08/21/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney John Langford to RE-FILE Document No. <u>4</u> Amended Complaint,. The filing is deficient for the following reason(s): the wrong party/parties whom the pleading is against were selected – YOU MUST ADD THE NEWLY NAMED PARTY. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the

		individually named party/parties the pleading is against. (laq) (Entered: 08/21/2018)
08/21/2018	<u>7</u>	AMENDED COMPLAINT amending <u>4</u> Amended Complaint, <u>1</u> Complaint, against U.S. Department of Homeland Security. Document filed by Richard Behar. Related document: <u>4</u> Amended Complaint, <u>1</u> Complaint,. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Langford, John) (Entered: 08/21/2018)
08/21/2018	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Homeland Security, re: <u>7</u> Amended Complaint,. Document filed by Richard Behar. (Langford, John) (Entered: 08/21/2018)
08/22/2018	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Homeland Security. (sj) (Entered: 08/22/2018)
09/13/2018		CASE ACCEPTED AS RELATED. Create association to 1:17-cv-08153-LAK. Notice of Assignment to follow. (wb) (Entered: 09/13/2018)
09/13/2018		NOTICE OF CASE REASSIGNMENT to Judge Lewis A. Kaplan. Judge Unassigned is no longer assigned to the case. (wb) (Entered: 09/13/2018)
09/13/2018		Magistrate Judge Katharine H. Parker is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (wb) (Entered: 09/13/2018)
09/25/2018	<u>10</u>	ANSWER to <u>7</u> Amended Complaint,. Document filed by Department of Homeland Security, U.S. Department of Homeland Security.(Normand, Sarah) (Entered: 09/25/2018)
10/01/2018	<u>11</u>	MEMO ENDORSEMENT on re: (25 in 1:17-cv-08153-LAK) Letter filed by Richard Behar. ENDORSEMENT: Granted. SO ORDERED. (Cross Motions due by 10/31/2018, Motions due by 10/3/2018, Responses due by 10/31/2018, Replies due by 11/21/2018.) (Signed by Judge Lewis A. Kaplan on 9/30/2018) (jca) (Entered: 10/01/2018)
10/03/2018	<u>12</u>	MOTION for Summary Judgment . Document filed by Department of Homeland Security. Responses due by 10/31/2018(Normand, Sarah) (Entered: 10/03/2018)
10/03/2018	<u>13</u>	DECLARATION of Kim E. Campbell in Support re: <u>12</u> MOTION for Summary Judgment .. Document filed by Department of Homeland Security. (Normand, Sarah) (Entered: 10/03/2018)
10/03/2018	<u>14</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Summary Judgment . . Document filed by Department of Homeland Security. (Normand, Sarah) (Entered: 10/03/2018)
11/16/2018	<u>15</u>	LETTER MOTION for Extension of Time <i>to File Reply and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> addressed to Judge Lewis A. Kaplan from AUSA Sarah S. Normand dated November 16, 2018. Document filed by U.S. Department of Homeland Security. (Attachments: # <u>1</u> Text of Proposed Order)(Normand, Sarah) (Entered: 11/16/2018)
11/19/2018	<u>16</u>	JOINT STIPULATION AND ORDER: IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff and the government, that: 1. The Secret Service shall file its combined reply and opposition to plaintiff's cross-motion by November 28, 2018, and Plaintiff shall file his reply in further support of his cross-motion by December 24, 2018. SO ORDERED. (Responses due by 11/28/2018, Replies due by 12/24/2018.) (Signed by Judge Lewis A. Kaplan on 11/19/2018) (jca) (Entered: 11/19/2018)
11/28/2018	<u>17</u>	REPLY MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Summary Judgment . . Document filed by Department of Homeland Security, U.S. Department of Homeland Security. (Normand, Sarah) (Entered: 11/28/2018)

11/28/2018	<u>18</u>	DECLARATION of AUSA Sarah S. Normand in Support re: <u>12</u> MOTION for Summary Judgment .. Document filed by Department of Homeland Security, U.S. Department of Homeland Security. (Attachments: # <u>1</u> Exhibit A: Declaration filed in Doyle v. DHS, # <u>2</u> Exhibit B: Plaintiff's Third FOIA Request, # <u>3</u> Exhibit C: 2/21/18 Joint Stipulation and Order, # <u>4</u> Exhibit D: 8/24/18 USSS Letters to Plaintiff, # <u>5</u> Exhibit E: 8/24/18 USSS Letters to Plaintiff)(Normand, Sarah) (Entered: 11/28/2018)
12/27/2018	<u>19</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (mro) (Entered: 01/02/2019)
12/27/2018		Case Stayed (mro) (Entered: 01/14/2019)
03/20/2019	<u>20</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Charles Crain to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16533990. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Richard Behar. (Attachments: # <u>1</u> Affidavit in support of motion for admission Pro Hac Vice, # <u>2</u> State bar of California certificate of standing, # <u>3</u> Proposed Order)(Crain, Charles) Modified on 3/21/2019 (wb). (Entered: 03/20/2019)
03/21/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>20</u> MOTION for Charles Crain to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16533990. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California;. Re-file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (wb) (Entered: 03/21/2019)
06/13/2019	<u>21</u>	ORDER FOR ADMISSION PRO HAC VICE: The motion of Charles Crain for admission to practice Pro Hae Vice in the above captioned actions is granted. (Signed by Judge Lewis A. Kaplan on 6/10/2019) (jca) (Entered: 06/13/2019)
06/17/2019	<u>22</u>	MEMO ENDORSEMENT on re: (46 in 1:17-cv-08153-LAK) MOTION for Charles Crain to Appear Pro Hac Vice. ENDORSEMENT: Granted. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 6/17/2019) (jca) (Entered: 06/17/2019)
08/15/2019	<u>23</u>	MEMORANDUM OPINION re: (30 in 1:17-cv-08153-LAK) CROSS MOTION for Summary Judgment <i>by Plaintiff Richard Behar.</i> filed by Richard Behar, (27 in 1:17-cv-08153-LAK) MOTION for Summary Judgment . filed by U.S. Department of Homeland Security, (12 in 1:18-cv-07516-LAK) MOTION for Summary Judgment . filed by Department of Homeland Security. For the foregoing reasons, defendant's motions for summary judgment [17-cv-8153, DI 27 and 18-cv-7516, DI 12] are granted to the extent that plaintiffs claims for disclosure of records reflecting names and other information pertaining to law enforcement personnel are dismissed and denied in all other respects. Plaintiffs cross motion [17-cv-8153, DI 30] is denied in all respects. This ruling is without prejudice to defendant renewing its motion, on or before October 15, 2019, on the basis of revised Vaughn submissions taking into account the deficiencies identified above and without prejudice also to a renewed cross motion by plaintiff taking into account defendant's revised submissions. Any such cross motion shall be filed on or before November 15, 2019. The Clerk shall terminate the pending motions. SO ORDERED. (Motions due by 11/15/2019) (Signed by Judge Lewis A. Kaplan on 8/15/2019) (kv) Modified on 10/9/2019 (kv). (Entered: 08/15/2019)
10/04/2019	<u>24</u>	FIRST LETTER MOTION for Extension of Time <i>to file renewed motion for summary judgment</i> addressed to Judge Lewis A. Kaplan from AUSA Sarah S. Normand dated October 4, 2019. Document filed by U.S. Department of Homeland Security. (Attachments: # <u>1</u> Text of Proposed Order)(Normand, Sarah) (Entered: 10/04/2019)
10/10/2019	<u>25</u>	JOINT STIPULATION AND ORDER: IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties, that: 1. The government shall file its renewed motion for summary judgment with revised Vaughn submissions on or before October 29, 2019, and 2. Plaintiff shall file his opposition and any cross-motion by November 29, 2019. SO ORDERED. (Cross Motions due by

		11/29/2019, Motions due by 10/29/2019, Responses due by 11/29/2019) (Signed by Judge Lewis A. Kaplan on 10/10/2019) (jca) (Entered: 10/10/2019)
10/26/2019	<u>26</u>	SECOND LETTER MOTION for Extension of Time <i>to file renewed motion for summary judgment</i> addressed to Judge Lewis A. Kaplan from AUSA Sarah S. Normand dated October 26, 2019. Document filed by Department of Homeland Security, U.S. Department of Homeland Security. (Attachments: # <u>1</u> Text of Proposed Order)(Normand, Sarah) (Entered: 10/26/2019)
11/04/2019	<u>27</u>	ORDER granting <u>26</u> Letter Motion for Extension of Time: Granted. (Signed by Judge Lewis A. Kaplan on 11/4/2019) (jwh) (Entered: 11/04/2019)
11/04/2019		Set/Reset Deadlines: Motions due by 11/5/2019. Cross Motions due by 12/6/2019. Responses due by 12/6/2019 (jwh) (Entered: 11/04/2019)
11/05/2019	<u>28</u>	SECOND MOTION for Summary Judgment . Document filed by Department of Homeland Security.(Normand, Sarah) (Entered: 11/05/2019)
11/05/2019	<u>29</u>	MEMORANDUM OF LAW in Support re: <u>28</u> SECOND MOTION for Summary Judgment . . Document filed by U.S. Department of Homeland Security. (Normand, Sarah) (Entered: 11/05/2019)
11/05/2019	<u>30</u>	DECLARATION of Deputy Director of the U.S. Secret Service Leonza Newsome, III in Support re: <u>28</u> SECOND MOTION for Summary Judgment .. Document filed by U.S. Department of Homeland Security. (Normand, Sarah) (Entered: 11/05/2019)
11/05/2019	<u>31</u>	DECLARATION of Kevin L. Tyrrell in Support re: <u>28</u> SECOND MOTION for Summary Judgment .. Document filed by U.S. Department of Homeland Security. (Attachments: # <u>1</u> Exhibit A)(Normand, Sarah) (Entered: 11/05/2019)